REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 17, 2009. At the time of the Office Action, Claims 14-31 were pending in this Application. Claims 1-13 were previously cancelled without prejudice or disclaimer. All pending Claims 14-31 were rejected in the Office Action. Claims 14-16, 28-29, and 31 are herein amended, and Claim 30 is herein cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Examiner's Consideration of Applicants' Claims

Applicants thank the Examiner for his substantial consideration of Applicants' claims and arguments, as well as proposing possible claim amendments for advancing prosecution of this application. Applicants understand that the Examiner is prepared to accept the points made in Applicants' previous remarks and telephone interviews with the Examiner, if appropriately incorporated into the claims. Therefore, Applicants have amended the claims based on the Examiner's comments and recommendations.

Rejections under 35 U.S.C. § 102

Claims 14-15, 19-21, 23, 25 and 28-29 stand rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0057663 by Byung Keun Lim ("*Lim*").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipated by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Although Applicants do not necessarily agree that *Lim* can be interpreted to read on Applicants' claims as previously presented, Applicants have amended independent Claims 14, 28, and 29 substantially as suggested by the Examiner at page 3 of the Office Action, in order to more clearly distinguish from *Lim*. Accordingly, Applicants respectfully submit that *Lim* does not teach all of the elements of Applicants' claims, as amended. For example, amended Claim 14 recites:

> 14. A method for transmitting user data messages from a network element of a radio communication system over at least one transmission channel to at least one subscriber device of the radio communication system, the method comprising:
>
> transmitting at least one planning message to the at least one subscriber device to announce the form of the <u>user data messages to be transmitted subsequently to and separately from the at least one planning message, such that transmission of the at least one planning message is completed before beginning the transmission of the user data messages</u>; and
>
> wherein the form of the user data messages announced by the at least one planning message includes at least one of a type of content of the user data messages and a coding of the user data messages.

Independent Claims 28 and 29 have been amended to recite similar limitations.

These amendments make it clear that the planning message(s) are transmitted prior to, and separately from, the user data messages. Thus, these amendments distinguish from the Examiner's interpretation of *Lim* that the planning information could be provided as header information in the same packets as the data messages. (see Office Action, page 5).

Applicants therefore submit that *Lim* does not teach these limitations of amended Claim 14. Therefore, Applicants respectfully request reconsideration and allowance of amended independent Claims 14, 28, and 29, as well as all claims that depend therefrom.

Rejections under 35 U.S.C. §103

Dependent Claims 16-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Lim* in view of U.S. Patent No. 6,771,639 issued to Holden ("*Holden*").

Dependent Claims 22, 24 and 26-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Lim* in view of well-known prior art.

Applicants submit that dependent Claims 16-18, 22, 24 and 26-27 are allowable at least because they depend from amended independent Claims 14, 28, and 29, shown above to be allowable. Therefore, Applicants respectfully request allowance of Claims 16-18, 22, 24 and 26-27.

Association of Customer Number and Change of Correspondence Address

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **86528**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **86528**. All telephone calls should be directed to Eric M. Grabski at 512.457.2030. A Revocation and Power of Attorney will be filed shortly.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants respectfully submit a Petition for One-Month Extension of Time. The Commissioner is authorized to charge the fee of $130 required to Deposit Account 50-4871 of King & Spalding LLP in order to effectuate this filing.

Applicants believe there are no other fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,
KING & SPALDING L.L.P.
Attorney for Applicants

EMRel.

Eric M. Grabski
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Date: July 17, 2009

SEND CORRESPONDENCE TO:
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